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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 20 March 1974

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1. (Internal Use Only - LLM) In the company of [REDACTED] met with Robert Vagley, Director, General Subcommittee on Labor, House Education and Labor Committee, and explained the problem facing us in the discrimination for age provision applying to Federal employees in the Fair Labor Standards Act amendments (S. 2727 and H.R. 12435). Vagley had just returned from the floor of the House which had just passed the legislation and confirmed that the conference to settle House and Senate differences was set for tomorrow. I provided him the paper setting forth the rationale for inserting in the conference report language which would recognize that there was no intent to subordinate statutory authority for mandatory retirements for officers and employees. I also gave him recommended language for insertion in the conference report. Vagley agreed that we had a case, but since the provision had been inserted on the Senate side recommended that we contact Senator Bentsen (D., Texas) or his legislative assistant, Ron Katz, to set the stage. He agreed to be in contact with me tomorrow if there is any problem.

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2. (Internal Use Only - LLM) In the company of [REDACTED] met with Ron Katz, Legislative Assistant to Senator Lloyd Bentsen (D., Texas), concerning the discrimination for age provision in H.R. 12435 explaining that Robert Vagley, Director, General Subcommittee on Labor, House Education and Labor Committee, had recommended that we see him on our problem. Katz was generally receptive although hesitant to do anything that would provide a loophole for other Federal agencies to get out from under the provision. I explained that to avoid this we had used statutory words of art which had limited applicability and that precedent for this language existed in the Age Discrimination in Employment Act of 1967 (P.L. 90-202) as it applies to the private sector. This was convincing to Katz and he said he would call Vagley and tell him that the insertion was all right with him. Katz also said that he might mention this to Gerry Feder, Counsel, or Donald Elisburg, Professional Staff Member, Subcommittee on Labor, Senate Labor and Public Welfare Committee.

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